

Costello	Kennedy	Ramstad
Courtney	Kildee	Reichert
Cramer	Kilpatrick	Renzi
Crowley	Kind	Reyes
Cuellar	Kirk	Richardson
Cummings	Klein (FL)	Rodriguez
Davis (AL)	Kucinich	Ros-Lehtinen
Davis (CA)	Lampson	Ross
Davis (IL)	Langevin	Rothman
Davis, Lincoln	Larsen (WA)	Roybal-Allard
DeFazio	Larson (CT)	Ruppersberger
DeGette	LaTourette	Ryan (OH)
Delahunt	Lee	Salazar
DeLauro	Levin	Sánchez, Linda T.
Diaz-Balart, L.	Lewis (GA)	Sanchez, Loretta
Dicks	Lipinski	Sarbanes
Dingell	LoBiondo	Saxton
Doggett	Loeb	Schakowsky
Donnelly	Lofgren, Zoe	Schiff
Doyle	Lowe	Schwartz
Edwards	Lynch	Scott (GA)
Ehlers	Mahoney (FL)	Scott (VA)
Ellison	Maloney (NY)	Shays
Ellsworth	Markey	Shea-Porter
Emanuel	Marshall	Sherman
Engel	Matheson	Shuler
Eshoo	Matsui	Sires
Etheridge	McCarthy (NY)	Skelton
Faleomavaega	McCollum (MN)	Slaughter
Farr	McDermott	Smith (NJ)
Fattah	McGovern	Smith (WA)
Ferguson	McHugh	Snyder
Filner	McIntyre	Souder
Fortenberry	McNerney	Space
Frank (MA)	McNulty	Spratt
Frelinghuysen	Meek (FL)	Stark
Giffords	Meeks (NY)	Stupak
Gilchrest	Melancon	Sutton
Gillibrand	Michaud	Tanner
Gordon	Miller (MI)	Tauscher
Green, Al	Miller (NC)	Taylor
Green, Gene	Miller, George	Thompson (CA)
Grijalva	Mitchell	Thompson (MS)
Gutierrez	Mollohan	Tierney
Hall (NY)	Moore (KS)	Towns
Hare	Moore (WI)	Tsongas
Harman	Moran (VA)	Udall (CO)
Hastings (FL)	Murphy (CT)	Udall (NM)
Hereth Sandlin	Murphy, Patrick	Upton
Higgins	Murtha	Van Hollen
Hill	Nadler	Velázquez
Hinche	Napolitano	Visclosky
Hinojosa	Neal (MA)	Walz (MN)
Hirono	Norton	Wasserman
Hodes	Oberstar	Schultz
Holden	Obey	Waters
Honda	Oliver	Watson
Hooley	Ortiz	Watt
Hoyer	Pallone	Waxman
Inslee	Pascrell	Weiner
Israel	Pastor	Welch (VT)
Jackson (IL)	Payne	Weller
Jefferson	Perlmutter	Wexler
Johnson (GA)	Peterson (MN)	Wilson (OH)
Johnson (IL)	Peterson (PA)	Wu
Jones (OH)	Pomeroy	Wynn
Kagen	Porter	Yarmuth
Kanjorski	Price (NC)	
Kaptur	Rahall	

NOES—161

Aderholt	Cantor	Franks (AZ)
Akin	Carter	Gallely
Alexander	Chabot	Garrett (NJ)
Bachmann	Coble	Gerlach
Bachus	Cole (OK)	Gingrey
Barrett (SC)	Conaway	Gohmert
Barton (TX)	Crenshaw	Goode
Biggert	Cubin	Goodlatte
Bilirakis	Culberson	Granger
Bishop (UT)	Davis (KY)	Graves
Blackburn	Davis, David	Hall (TX)
Blunt	Davis, Tom	Hastings (WA)
Boehner	Deal (GA)	Hayes
Bonner	Dent	Heller
Bono Mack	Diaz-Balart, M.	Hensarling
Boozman	Doolittle	Herger
Boustany	Drake	Hobson
Brady (TX)	Dreier	Hoekstra
Broun (GA)	Duncan	Hunter
Brown (SC)	Emerson	Inglis (SC)
Buchanan	English (PA)	Issa
Burgess	Everett	Johnson, Sam
Burton (IN)	Fallin	Jones (NC)
Buyer	Feeney	Jordan
Calvert	Flake	King (IA)
Camp (MI)	Forbes	King (NY)
Campbell (CA)	Fossella	Kingston
Cannon	Fox	Kline (MN)

Knollenberg	Neugebauer	Shimkus
Kuhl (NY)	Nunes	Shuster
LaHood	Paul	Simpson
Lamborn	Pearce	Smith (NE)
Latham	Pence	Smith (TX)
Latta	Petri	Stearns
Lewis (KY)	Pickering	Sullivan
Lucas	Pitts	Tancredo
Lungren, Daniel E.	Platts	Terry
Mack	Price (GA)	Thornberry
Manzullo	Putnam	Tiberi
Marchant	Radanovich	Turner
McCarthy (CA)	Regula	Walberg
McCaul (TX)	Rehberg	Walden (OR)
McCotter	Reynolds	Walsh (NY)
McHenry	Rogers (AL)	Wamp
McKeon	Rogers (KY)	Weldon (FL)
McMorris	Rogers (MI)	Westmoreland
Rodgers	Rohrabacher	Whitfield (KY)
Mica	Roskam	Wilson (NM)
Miller (FL)	Royce	Wilson (SC)
Miller, Gary	Ryan (WI)	Wittman (VA)
Moran (KS)	Sali	Wolf
Murphy, Tim	Schmidt	Young (AK)
Musgrave	Sensenbrenner	Young (FL)
Myrick	Sessions	
	Shadegg	

NOT VOTING—20

Brown-Waite,	Johnson, E. B.	Rush
Ginny	Keller	Serrano
Fortuño	Lewis (CA)	Sestak
Gonzalez	Linder	Solis
Holt	McCrery	Tiaht
Hulshof	Poe	Woolsey
Jackson-Lee	Pryce (OH)	
(TX)	Rangel	

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1406

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PASTOR) having assumed the chair, Mr. HOLDEN, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2857) to reauthorize and reform the national service laws, pursuant to House Resolution 1015, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DANIEL E. LUNGREN of California. In its current form I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Daniel E. Lungren of California moves to recommit the bill, H.R. 2857, to the Committee on Education and Labor with instructions to report the same back to the House forthwith with the following amendment:

Strike all after the enacting clause and insert the text of the bill H.R. 3773 as passed by the Senate on February 12, 2008.

POINT OF ORDER

Mr. GEORGE MILLER of California. Mr. Speaker, I raise a point of order that the motion to recommit contains nongermane instructions in violation of clause 7, rule XVI. The instructions in the motion to recommit address an unrelated matter within the jurisdiction of a committee not represented in the underlying bill.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I wish to be heard on the point of order.

The SPEAKER pro tempore. The Chair recognizes the gentleman from California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it is unfortunate the gentleman has raised this point of order rather than allowing a straight up-or-down vote on the Senate-passed FISA legislation.

Let me speak specifically to the point of order and why, in fact, this motion to recommit is in order.

The underlying purpose of the germaneness rule is that it "prevents the presentation to the House of propositions that might not reasonably be anticipated and for which it might not be properly prepared." I cite to 8 Cannon, section 2993. That is clearly not the case here in that this body has dealt extensively with the subject matter of the Foreign Intelligence Surveillance Act. And, in fact, we were informed by the majority that we were to be prepared to vote on that this week.

Mr. GEORGE MILLER of California. Mr. Speaker, the scheduling of the House is not the subject of this point of order. I raised a point of order that the motion addresses the jurisdiction of committees not represented in the underlying bill. Neither the Judiciary Committee or the Intelligence Committee is represented in the underlying bill, not the schedule of the House.

The SPEAKER pro tempore. The Chair will continue to hear the gentleman from California, Representative LUNGREN, discuss the point of order.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, despite the difference in titles of H.R. 2857 and H.R. 3773 relating to the motion, that is not controlling under Deschler-Brown, chapter 28, section 24. As a matter of